



Paper No. 7

LYON & LYON LLP  
SUITE 4700  
633 WEST FIFTH STREET  
LOS ANGELES CA 90071-2066

**COPY MAILED**

**MAR 18 2002**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Neil H. Bander	:	
Application No. 09/929,546	:	DECISION GRANTING
Filed: 13 August, 2001	:	PETITION
Attorney Docket No. 266/186	:	

This is a decision on the petition filed 7 December, 2001 (certificate of mailing date 25 October, 2001), requesting that the above-identified application be accorded a filing date of 13 August, 2001, with Figures 12A-12F described in the specification as a part of the original disclosure.

The application was filed on 13 August, 2001. However, on 10 September, 2001, Initial Patent Examination Division mailed a Notice to File Corrected Application Papers stating that the application had been accorded a filing date of 13 August, 2001, but that, *inter alia*, Figure 12A-12F described in the specification appeared to have been omitted.

In response, on 7 December, 2001 (certificate of mailing date 25 October, 2001), the present petition was filed. Petitioners assert that Figures 12A-12F were among the application papers deposited in the USPTO on 13 August, 2001.

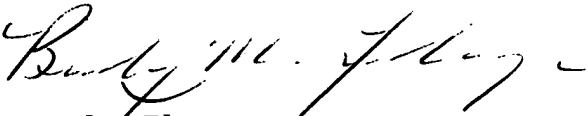
As a result of a further review of the papers in the USPTO file, the one (1) sheet of drawings containing Figures 12A-12F filed on 13 August, 2001, has been located in the file.

In view of the above, the "Notice" is vacated to the extent that it stated that Figures 12A-12F described in the specification appeared to have been omitted.

The petition is granted. As the present petition was necessitated due to an error by the Office, the petition fee of \$130.00 will be refunded to counsel's deposit account, No. 12-2475.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 13 August, 2001, using the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.

  
Beverly Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>3-1-02</u>		2 Serial/Patent # <u>09/929,546</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
122	Petition	3	12-7-01	\$ 130.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$ 130.00								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	X	Credit Deposit A/C #:								
	Duplicate Payment		9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td>1</td><td>2</td><td>--</td><td>2</td><td>4</td><td>7</td><td>5</td> </tr> </table>		1	2	--	2	4	7	5
1	2	--	2	4	7	5					
X	No Fee Due (Explanation):										
DUE TO PTO ERROR											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>D WOOD</u>		TITLE: <u>PET 4774</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>308-6918</u>									
OFFICE: <u>PETITIONS</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>3-18-02</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: